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John A. Macoretta, Esq.
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation MDL 1456

Dear Mr. Macoretta:

I am in receipt of plaintiffs' October 4, 2005, Notification of Deposition and Request For Production of Documents ("Notice"). Plaintiffs' Notice, which seeks the depositions of former employees of Aventis Pharmaceuticals Inc. G.R. Green and Randy Colvin, exceeds the 10 deposition limit as provided by our Local Rule 26.1(C). As you will recall, I had written you on September 26, 2005 concerning this specific issue. I reminded you then of our local rule, with the understanding that plaintiffs would carefully evaluate which ten depositions they wished to complete of Aventis witnesses. I made a point of sending this letter before plaintiffs had exhausted their deposition limit to avoid either surprise on your part, or unnecessary motion practice on my client's part.

I also received yesterday your letter in response to mine of September 26th, which rejects my reminder of our local rule and suggests that Aventis should file a motion for protective order in response to plaintiffs attempts' to circumvent the rule. I would ask that you reconsider this harsh and inflexible position.

Please let me know when you are available for a meet and confer to discuss this development. I will be out of town and unavailable from October 17 to October 25, 2005, but generally available until then. I would request that you be prepared at the time of our conference to fully explain why plaintiffs apparently believe that our ten deposition rule does not apply in this case.

Very truly yours,

Michael DeMarco

MDM/skl